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BellSouth Telecommunications, Inc.

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TN REGULATORY AUTHORITY
DOCKET ROOM

September 11, 2002

VIA HAND DELIVERY

Hon. Sarah Kyle
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

DOCKET NO.

02-01013

Re: *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and Birch Telecom of the South, Inc. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.*
Docket No. 01-00421

Dear Chairman Kyle:

Pursuant to Section 252(e) of the Telecommunications Act of 1996, Birch Telecom of the South, Inc. and BellSouth Telecommunications, Inc. are hereby submitting to the Tennessee Regulatory Authority ("TRA") the original and thirteen copies of the attached Petition for Approval of the Amendment to the Interconnection Agreement dated July 14, 2000. The Amendment extends the term of the Interconnection Agreement.

Thank you for your attention to this matter.

Sincerely yours,

Guy M. Hicks

GMH/jej

Enclosure

cc: Greg Lawhon, Attorney for Birch Telecom of the South, Inc.

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In re: *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and Birch Telecom of the South, Inc. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*

Docket No. 01-00632

PETITION FOR APPROVAL OF THE
AMENDMENT TO THE INTERCONNECTION AGREEMENT
NEGOTIATED BETWEEN BELL SOUTH TELECOMMUNICATIONS, INC.
AND BIRCH TELECOM OF THE SOUTH, INC.
PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996

COME NOW, Birch Telecom of the South, Inc. ("Birch") and BellSouth Telecommunications, Inc., ("BellSouth"), and file this request for approval of the Amendments to the Interconnection Agreement dated July 14, 2000 (the "Amendments") negotiated between the two companies pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, (the "Act"). In support of their request, Birch and BellSouth state the following:

1. Birch and BellSouth have successfully negotiated an agreement for interconnection of their networks, the unbundling of specific network elements offered by BellSouth and the resale of BellSouth's telecommunications services to Birch. The Interconnection Agreement was approved by the Tennessee Regulatory Authority ("TRA") on March 20, 2001.

2. The parties have recently negotiated an Amendment to the Agreement which extends the term of the Interconnection Agreement. A copy of the Amendment is attached hereto and incorporated herein by reference.

3. Pursuant to Section 252(e) of the Telecommunications Act of 1996, Birch and BellSouth are submitting their Amendment to the TRA for its consideration and approval. The

Amendments provide that either or both of the parties is authorized to submit the Amendment to the TRA for approval.

4. In accordance with Section 252(e) of the Act, the TRA is charged with approving or rejecting the negotiated Amendment between BellSouth and Birch within 90 days of its submission. The Act provides that the TRA may only reject such an agreement if it finds that the agreement or any portion of the agreement discriminates against a telecommunications carrier not a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity.

5. Birch and BellSouth aver that the Amendment is consistent with the standards for approval.

6. Pursuant to Section 252(i) of the Act, BellSouth shall make the Agreement available upon the same terms and conditions contained therein.

Birch and BellSouth respectfully request that the TRA approve the Amendment negotiated between the parties.

This 12th day of Sept., 2002.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

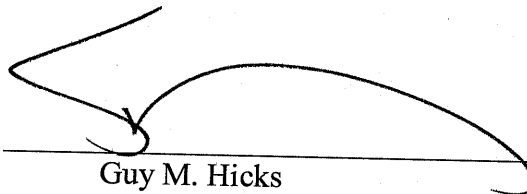
By: 

Guy M. Hicks
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300
(615) 214-6301
Attorney for BellSouth

CERTIFICATE OF SERVICE

I, Guy M. Hicks, hereby certify that I have served a copy of the foregoing Petition for Approval of the Amendment to the Interconnection Agreement on the following via United States Mail on the 12th day of Sept, 2002:

Greg Lawhon, Esquire
General Counsel
Birch Telecom of the South, Inc.
2020 Baltimore Avenue
Kansas City, Missouri 64108-1914



Guy M. Hicks

**AMENDMENT
TO THE
AGREEMENT BETWEEN
BIRCH TELECOM OF THE SOUTH, INC. AND
BELL SOUTH TELECOMMUNICATIONS, INC.
DATED JULY 14, 2000**

Pursuant to this Agreement, (the "Amendment"), Birch Telecom of the South, Inc., ("Birch"), a Delaware corporation, and BellSouth Telecommunications, Inc. ("BellSouth"), a Georgia corporation, having an office at 675 W. Peachtree Street, Atlanta, Georgia, 30375, on behalf of itself, hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Interconnection Agreement between the Parties dated July 14, 2000 ("Agreement").

WHEREAS, BellSouth and Birch entered into the Agreement on July 14, 2000 and;

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows:

1. Delete in its entirety Section 1.1 and replace with new Section 1.1 within General Terms and Conditions as follows:
 - 1.1 The term of this Agreement shall be twenty six months, beginning as of the date of signature by both Parties and shall apply to the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. If as of the expiration of this Agreement, a Subsequent Agreement (as defined in Section 1.2 below) has not been executed by the Parties, this Agreement shall continue on a month-to-month basis at the same terms, conditions and prices as those in effect as of the expiration date hereof while a Subsequent Agreement is being negotiated. The Parties' rights and obligations with respect to this Agreement after expiration shall be as set forth in Section 1.4 below.
2. All of the other provisions of the Agreement, dated July 14, 2000 shall remain in full force and effect.
3. Either or both of the Parties is authorized to submit this Amendment to the respective state regulatory authorities for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their respective duly authorized representatives on the date indicated below.

BellSouth Telecommunications, Inc.

By: CW Boltz

Name: C. W. Boltz

Title: Managing Director

Date: 7-11-02

Birch Telecom of the South, Inc.

By: John Ivanuska

Name: John Ivanuska

Title: Vice President, Regulatory and Carrier Relations

Date: 7/11/02

SAMPLE

July 29, 2002

VIA HAND DELIVERY

Hon. Sarah Kyle
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Petition of MCImetro Access Transmission Services, LLC and Brooks Fiber Communications of Tennessee, Inc. for Arbitration of Certain Terms and Conditions of Proposed Agreement with BellSouth Telecommunications, Inc. concerning Interconnection and Resale Under the Telecommunications Act of 1996*
Docket No. 00-00309

Dear Chairman Kyle:

Enclosed are five paper copies and a CD Rom of the executed interconnection agreement between BellSouth and Brooks Fiber Communications of Tennessee, Inc. ("Brooks Fiber"). This agreement reflects the final agreement of the parties as to all issues associated with interconnection, access to unbundled network elements, collocation and other services to be provided by BellSouth to Brooks Fiber. The agreement is being submitted to the Authority for its approval pursuant to 47 USC §252(e).

BellSouth and Brooks Fiber respectfully request that the interconnection agreement be approved as submitted. Copies of the enclosed are being provided to counsel for Brooks Fiber.

Very truly yours,

Guy M. Hicks

GMH:dt
Enclosure